

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 375**

Introduced by Lautenbaugh, 18.

Read first time January 16, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to civil procedure; to amend section 25-1801,  
2 Reissue Revised Statutes of Nebraska; to increase the  
3 claim amount and provide for payment of the costs of suit  
4 for certain claims; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 25-1801, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           25-1801 Any person, partnership, limited liability  
4 company, association, or corporation in this state having a  
5 claim which amounts to ~~two~~ four thousand dollars or less against  
6 any person, partnership, limited liability company, association,  
7 or corporation doing business in this state for (1) services  
8 rendered, (2) labor done, (3) material furnished, (4) overcharges  
9 made and collected, (5) lost or damaged personal property, (6)  
10 damage resulting from delay in transmission or transportation, (7)  
11 livestock killed or injured in transit, or (8) charges covering  
12 articles and service affecting the life and well-being of the  
13 debtor which are adjudged by the court to be necessities of life  
14 may present the same to such person, partnership, limited liability  
15 company, association, or corporation, or to any agent thereof,  
16 for payment in any county where suit may be instituted for the  
17 collection of the same. If, at the expiration of ninety days after  
18 the presentation of such claim, the same has not been paid or  
19 satisfied, he, she, or it may institute suit thereon in the proper  
20 court. If payment is made to the plaintiff by or on behalf of  
21 the defendant after the filing of the suit but before judgment is  
22 taken, the plaintiff shall be entitled to receive the costs of  
23 suit whether by voluntary payment or judgment. If he, she, or it  
24 establishes the claim and secures judgment thereon, he, she, or  
25 it shall be entitled to recover the full amount of such judgment

1 and all costs of suit thereon, and, in addition thereto, interest  
2 on the amount of the claim at the rate of six percent per annum  
3 from the date of presentation thereof, and, if he, she, or it  
4 has an attorney employed in the case, an amount for attorney's  
5 fees as provided in this section. If the cause is taken to an  
6 appellate court and plaintiff shall recover judgment thereon, the  
7 appellate court shall tax as costs in the action, to be paid to  
8 the plaintiff, an additional amount for attorney's fees in such  
9 appellate court as provided in this section, except that if the  
10 party in interest fails to recover a judgment in excess of the  
11 amount that may have been tendered by any person, partnership,  
12 limited liability company, association, or corporation liable under  
13 this section, then such party in interest shall not recover the  
14 attorney's fees provided by this section. Attorney's fees shall be  
15 assessed by the court in a reasonable amount but shall in no event  
16 be less than ten dollars when the judgment is fifty dollars or less  
17 and when the judgment is over fifty dollars up to two thousand  
18 dollars the attorney's fee shall be ten dollars plus ten percent of  
19 the judgment in excess of fifty dollars.

20           Sec. 2. Original section 25-1801, Reissue Revised  
21 Statutes of Nebraska, is repealed.